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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

MICHAEL JENKINS
LA. DOC #371085
VERSUS

WARDEN, OUACHITA CORRECTIONAL
CENTER

CIVIL ACTION NO. 3:10-cv-0723

SECTION P

JUDGE ROBERT G. JAMES

MAG. JUDGE KAREN L. HAYES

JUDGMENT

For the reasons set forth in the Report and Recommendation of the Magistrate Judge, to the extent adopted, and for those reasons set forth in this Court's Ruling, after having considered the entire record in this matter, including Petitioner/Plaintiff's objections,

IT IS ORDERED, ADJUDGED, AND DECREED that the Complaint, insofar as it seeks monetary damages pursuant to 42 U.S.C. §1983 be DISMISSED WITH PREJUDICE under *Heck v. Humphry* until such time that Plaintiff can demonstrate that his sentence computation has been invalidated;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Complaint, insofar as it seeks *habeas corpus* relief pursuant to 28 U.S.C. §2254 be DISMISSED WITHOUT PREJUDICE because Petitioner failed to exhaust available state court remedies prior to filing his federal suit.

MONROE, LOUISIANA, this 31 day of October, 2010.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE